UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,461	06/28/2000	Yasuaki Yamagishi	SUGI-T0730	6136

7590 05/21/2004	**EXAMINER**
SONNENSCHEIN NATH & ROSENTHAL	PAULA, CESAR B

ART UNIT	PAPER NUMBER
2178	

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DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 February 2004</u> .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   This action is responsive to the amendment filed on 2/27/2004.

This action is made Final.

2.   In the amendment, claims 1-10 are pending in the case. Claims 1, 4-5, 8, and 10 are

independent claims.

3.   The rejections of claims 1-10 under 35 U.S.C. 103(a) as being unpatentable over Saether

et al, hereinafter Saether (Pat. # 6,405,219 B2, 6/11/2002, filed on 9/24/1999, provisional filed

on 6/22/1999) have been withdrawn as necessitated by the amendment.

Priority

4.   Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d), and based on application # P11-186491 filed in Japan on 6/30/1999, which

papers have been placed of record in the file.

Drawings

5.   The drawings filed on 6/28/2000 have been accepted by the examiner.

Specification

6.   Some of the objections have been corrected. However, applicant is reminded of

the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a
separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed
150 words in length since the space provided for the abstract on the computer tape used by the
printer is limited. The form and legal phraseology often used in patent claims, such as
"means"(line 2) and "said," should be avoided. The abstract should describe the disclosure
sufficiently to assist readers in deciding whether there is a need for consulting the full patent text
for details.

The language should be clear and concise and should not repeat information given in the
title. It should avoid using phrases which can be implied, such as, "The disclosure concerns,"
"The disclosure defined by this invention," "The disclosure describes," etc.

7.   The abstract is objected to because of the following informalities: "The

apparatuses, methods, and systems" (line 4). There are no previous "apparatuses, methods, and

systems" in the abstract. The abstract only lists "apparatus, method, and system".

8.   The abstract is objected to because of the following informalities: "The leaf entry

does not containing information" (lines 8-9). This better reads as: "The leaf entry does not

contain information".

Claim Rejections - 35 USC § 112

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

10.   Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11.   Claim 1 recites the limitation "the lower hierarchical level" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim. There is no previous "lower hierarchical level" in this claim to refer to.

12.   Claim 1 recites the limitation "the detected result" in line 10. There is insufficient antecedent basis for this limitation in the claim. There is no previous "detected result" in this claim to refer to.

13.   Claim 1 recites the limitation "the difference of container entries.....the difference of leaf entries" in lines 12-13. There is insufficient antecedent basis for this limitation in the claim. There is no previous "difference of container entries and difference of leaf entries" in this claim to refer to.

14.   Claim 4 recites the limitation "the lower hierarchical level" in line 5. There is insufficient antecedent basis for this limitation in the claim. There is no previous "lower hierarchical level" in this claim to refer to.

15.   Claim 4 recites the limitation "the detected result" in line 10. There is insufficient

antecedent basis for this limitation in the claim. There is no previous "detected result" in this

claim to refer to.

16.   Claim 4 recites the limitation "the difference of container entries.....the difference of leaf

entries" in lines 12-13. There is insufficient antecedent basis for this limitation in the claim.

There is no previous "difference of container entries and difference of leaf entries" in this claim

to refer to.

17.   Claim 4 recites the limitation "the addition of said change tracking value" in line 15.

There is insufficient antecedent basis for this limitation in the claim. There is no previous

"addition of said change tracking value" in this claim to refer to.

18.   Claim 4 recites the limitation "the addition of a filtering mask value" in line 16. There is

insufficient antecedent basis for this limitation in the claim. There is no previous "addition of a

filtering mask value" in this claim to refer to.

19.   Claim 5 recites the limitation "the locations" in line 2. There is insufficient antecedent

basis for this limitation in the claim. There are no previous " locations" in this claim to refer to.

20.   Claim 5 recites the limitation "the first difference information" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim. There are no previous " first difference information" in this claim to refer to.

21.   Claim 5 recites the limitation "the second difference information" in line 8. There is insufficient antecedent basis for this limitation in the claim. There are no previous "second difference information" in this claim to refer to.

22.   Claim 5 recites the limitation "the lower hierarchical level" in line 11. There is insufficient antecedent basis for this limitation in the claim. There is no previous "lower hierarchical level" in this claim to refer to.

23.   Claim 5 recites the limitation "the addition of said change tracking value" in line 13. There is insufficient antecedent basis for this limitation in the claim. There is no previous "addition of said change tracking value" in this claim to refer to.

24.   Claim 4 recites the limitation "the addition of a filtering mask value" in line 14-15. There is insufficient antecedent basis for this limitation in the claim. There is no previous "addition of a filtering mask value" in this claim to refer to.

25.   As can be seen above, the claims are replete with antecedent basis problems. Please review all the claims, and correct all the antecedent basis problems.

Claim Rejections - 35 USC § 103

26.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

27.   Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saether et al,

hereinafter Saether (Pat. # 6,405,219 B2, 6/11/2002, filed on 9/24/1999, provisional filed on

6/22/1999), in view of Greer et al, hereinafter Greer (Pat. # 5,978,828, 11/2/199, filed on

1/13/1997).

        Regarding independent claim 1, Saether discloses the copying or transmitting, and

updating of a tree in a file directory structure located on primary global, and content servers,

from a tree located in a source server. In this instance, the file directory tree is made up of

directories (fig. 5A, 'A', 'B', and 'D1')—*container entries*--, and subdirectory—*leaf entry*—

directly underneath directory "D1", which does not contain any subdirectories beneath it (fig. 5A

'C')-- (col. 1, lines 56-50, col.10, lines 39-col. 11, line 67).

        Moreover, Saether discloses the identification of a different or changed file –directory, or

subdirectory in the tree—*detecting a change of the hierarchical structure*-- located on the source

server, using the name, size, and date of creation or modification—*change tracking value of said*

hierarchical structure--of the file in the directory tree. The source server obtains the update

which indicates added, modified, and deleted files as represented in the tree directory files—

container entries--, and subdirectory files—*leaf entries*-- of the first and second tree versions

(fig. 5A-B)—*first, and second difference information* -- (col. 1, lines 56-50, col.6, line 66-col.7,

line 12, col.10, lines 39-col. 11, line 67).

Furthermore, Saether discloses copying—*transmitting*-- each individual different or

changed file –directory, or subdirectory in the trees—*detecting a change of the hierarchical*

structure—from the source server to the primary global, and content servers. The change

indicates added, modified, and deleted files as represented in the tree directory files—*container*

entries--, and subdirectory files—*leaf entries*-- of the first and second tree versions (fig. 5A-B)—

first, and second difference information -- (col. 1, lines 56-50, col.10, lines 39-col. 11, line 67).

Saether fails to explicitly disclose *generating means for generating first message and second*

message, the first message containing said first difference information with the addition of said

change tracking value, the second message containing said second difference information with

the addition of a filtering mask value and said change tracking value of said hierarchical

structure, the filtering mask value corresponding to a container entry being directly above said

leaf entry which corresponds to said second difference information; and separately transmitting

said first and second message. However, Greer discloses an optional URL field containing a

quotient page with a URL—*filtering mask value* which is used to hide internet address-- when

the address of a web page has been changed or updated (when the address of the web page has

not changed, then this field is left empty). There is also a global quotient value--*change tracking*

value for determining a change in a web page-- followed by the date and time of last web page

modification—*first difference information of a web page* which contains or is *above* different

objects *(leaf entries)*--, and object quotient field followed by the date and time—*second*

difference information of objects contained in a web page or *leaf entry* of the hierarchical tree-like structure or web page-- of last modification for an object, such as gif, and ad banner. The quotient page is transmitted as a MIME message to a requesting user (col. 5, line 16-53, col.6, lines 1-67, fig. 6-8). In other words the quotient page, along with the global quotient value-- *change tracking value*-- and date and time—*first difference information*-- of last modification are generated, and transmitted as a MIME message, when there is no new web page address found for a web page. On the other hand, when the new web page address—*filtering mask value corresponding to a container entry*-- is found, it along with the global quotient value--*change tracking value of the web page or hierarchical structure*--, and object quotient value—*second difference information*—they are formatted, and transmitted as a MIME message—*separately transmitting said first and second message.* It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined updating of directory trees by Saether, and tracking of web page updates by Greer, because Greer teaches a mechanism for indicating whether, when, or how much contents of a web page has changed so as to provide a user with the most updated information (col.1, lines 31-47).

Regarding claim 2, which depends on claim 1, Saether discloses copying each individual different or changed file –directory, or subdirectory in the trees from the source server to the primary global, and content servers. The source server adds a date of "creation/modification" to indicate added, modified, and deleted files as represented in the tree directories—*container entries* of the first and second tree versions (fig. 5A-B, 6A-B) (col. 1, lines 56-50, col.6, lines 66-col.7, line 11). Saether fails to explicitly disclose *filtering mask value is a value based on number*

of container entries on the container level being directly above said leaf entry. However, Greer

discloses an optional URL field containing a quotient page with a URL—*filtering mask value*

which is used to hide internet address-- when the web page, and its address have been changed or

updated with some changes—*changes to the web page or container,* which contains or is above

objects, such as graphic files-- (when the address of the web page has not changed, then this field

is left empty) (col. 5, line 16-53, col.6, lines 1-67, fig. 6-8). It would have been obvious to one of

ordinary skill in the art at the time of the invention to have combined updating of directory trees

by Saether, and tracking of web page updates by Greer, because Greer teaches a mechanism for

indicating whether, when, or how much contents of a web page has changed so as to provide a

user with the most updated information (col.1, lines 31-47).

Regarding claim 3, which depends on claim 1, Saether discloses copying—*transmitting--*

each individual different or changed file –directory, or subdirectory in the trees—*second*

difference information—from the source server to the primary global, and content servers. The

source server adds a date of "creation/modification"— *second identification information--* to

indicate added, modified, and deleted files as represented in the tree directories, and

subdirectories—*leaf entries--* of the first and second tree versions (fig. 5A-B, 6A-B) (col. 1, lines

56-50, col.6, lines 66-col.7, line 11).

Claim 4 is directed towards a method for implementing the apparatus found in claim 1,

and therefore is similarly rejected.

Regarding independent claim 5, Saether discloses the copying or transmitting, updating, and receiving a message--*receiving first, and second message*-- of a tree in a file directory structure located on primary global, and content servers, from a tree located in a source server. The primary global, and content servers receive an identification of a different or changed file – directory—*detected first difference information*--, or subdirectory—*detected second difference information*-- in the tree-- located on the source server. A date or new version id signifying changes in the tree structure made to the changed directory and subdirectory files—*first, and second identification information*—is added to the directory and subdirectory files respectively. The change indicates added, modified, and deleted files as represented in the tree directories— *container entries*--, and subdirectories—*leaf entries*-- of the first and second tree versions (fig. 5A-B)—*first, and second difference information*. In this instance, the file directory tree is made up of directories (fig. 5A, 'A', 'B', and 'D1')—*container entries*--, and subdirectory—*leaf entries*-- directly underneath directory "D1", which does not contain any subdirectories beneath it (fig. 5A 'C')-- (col. 1, lines 56-50, col.6, line 66-col.7, line 12, col.9, lines 19-67, col.10, lines 39-col. 11, line 67, fig. 6A-B). Saether fails to explicitly disclose *the first message containing said first difference information with the addition of said change tracking value, the second message containing said second difference information with the addition of a filtering mask value and said change tracking value of said hierarchical structure, the filtering mask value corresponding to a container entry being directly above said leaf entry which corresponds to said second difference information*. However, Greer discloses an optional URL field containing a quotient page with a URL—*filtering mask value* which is used to hide internet address-- when the address of a web page has been changed or updated (when the address of the web page has

not changed, then this field is left empty). There is also a global quotient value--*change tracking value* for determining a change in a web page-- followed by the date and time of last web page modification—*first difference information of a web page* which contains or is *above* different objects *(leaf entries)*--, and object quotient field followed by the date and time—*second difference information* of objects contained in a web page or *leaf entry* of the hierarchical tree-like structure or web page-- of last modification for an object, such as gif, and ad banner (col. 5, line 16-53, col.6, lines 1-67, fig. 6-8). In other words the quotient page, along with the global quotient value--*change tracking value*-- and date and time—*first difference information*-- of last modification are generated, when there is no new web page address found for a web page. On the other hand, when the new web page address—*filtering mask value corresponding to a container entry*-- is found, it along with the global quotient value--*change tracking value of the web page or hierarchical structure*--, and object quotient value—*second difference information*—are formatted. It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the updating of directory trees by Saether, and tracking of web page updates by Greer, because Greer teaches a mechanism for indicating whether, when, or how much contents of a web page has changed so as to provide a user with the most updated information (col.1, lines 31-47).

Furthermore, Saether discloses the updating—*managing*—tree directories whose files or components have been updated. A selective update is performed of the tree directories being managed, where subdirectories changes are obtained, and the trees in the primary global, and content servers are updated with the obtained changes (fig. 5A-B, "C', "E", "F", fig. 6A-B, "F3", "F4", col. 1, lines 56-50, col.9, lines 20-67, col.10, lines 39-col. 11, line 67).

Regarding claim 6, which depends on claim 1, Saether discloses identifying each individual difference or changes in the file subdirectory—*leaf entry*-- which is located in the tree, directly below a directory—*container*—identified by a name and version number, such as "F1.RCA", and its version value "1.2". The directories, and subdirectories receive updates and changes—*messages* containing those changes-- according to the changes made to the files represented in the tree directory structure (col. 1, lines 56-50, col.10, lines 39-col. 11, line 67, col. 12, lines 11-67, and fig. 6A-B).

Claim 7 is directed towards a method for implementing the apparatus found in claim 5, and therefore is similarly rejected.

Regarding independent claim 8, limitations: *first managing means......generating means* are directed to similar limitations found in claim 1, and therefore are similarly rejected.

Further, Saether discloses copying—*transmitting*-- each individual different or changed file –directory, or subdirectory in the trees—*first, and second difference information*—from the source server to the primary global, and content servers. The source server adds a date of "creation/modification"—*first, and second identification information*-- to indicate added, modified, and deleted files as represented in the tree directories—*container entries*--, and subdirectories—*leaf entries*-- of the first and second tree versions (fig. 5A-B, 6A-B, col. 1, lines 56-50, col.6, lines 66-col.7, line 11).

Moreover, Saether discloses copying—*transmitting*-- each individual different or

changed file –directory, or subdirectory in the trees from the source server to the receiving ends--

primary global, and content servers, which receive the transmitted information. The change

indicates added, modified, and deleted files, and their respective "creation/modification dates" as

represented in the tree directories—*container entries*--, and subdirectories—*leaf entries*-- of the

first and second tree versions (fig. 5A-B)—*first, and second message* -- (fig. 5A-B, 6A-B, col. 1,

lines 56-50, col.6, lines 66-col.7, line 36).

Moreover, Saether discloses that the primary global updates—*manages, and changes*--,

and selectively obtains only the modified/added files in the version of its tree directory to reflect

the additions modifications of the tree directory of the source server (fig. 5A-B, col. 1, lines 56-

50, col.10, lines 56-col.11, line 9).

Claim 9 is directed towards a system implementing the apparatus found in claim 6, and

therefore is similarly rejected.

Claim 10 is directed towards a method for implementing the system found in claim 8, and

therefore is similarly rejected.

Response to Arguments

28.   Applicant's arguments with respect to claims 1-10 have been considered but are moot in

view of the new ground(s) of rejection. Regarding claim 1 applicant indicates that Saether does

not teach or suggest the newly introduced limitation of a first message containing a change

tracking value or a transmitted second message containing a filtering mask value of the

hierarchical structure (page12, lines 18-21). The applicant is directed towards the new rejections

of the claims above as necessitated by this amendment.

Claims 4-5, 7-8, and 10, are rejected at least based at least on the same rationale above in

light of the newly introduced amendment.

Conclusion

29.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

I.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Jayaraman (Pat. # 6,311,187), Wong et al. (Pat. # 6,654,746), Fairchild et al. (Pat. #

6,728,760), Gounares et al. (Pat. # 6,681,370), Freivald et al. (Pat. # 5,898,836), and Draper et al.

(Pat. # 5,924,096).

II.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cesar B. Paula whose telephone number is (703) 306-5543. The

examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m.

(EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Heather Herndon, can be reached on (703) 308-5186. However, in such a case, please allow at

least one business day.

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

Or faxed to:

- **(703) 703-872-9306, (for all** Formal communications intended for entry)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).**

CBP

STEPHEN S. HONG
PRIMARY EXAMINER

5/12/04